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June 25, 2004

DAVID A. O'CONNOR
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RECEIVED

VIA HAND DELIVERY

Marlene H. Dortch, Esq., Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554
Attention: Audio Division, Media Bureau

JUN 25 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Amendment of Section 73.202(b), Table of Allotments,
FM Broadcast Stations, Channel 280C, Toquerville, Utah
Reply Comments
MB Docket No. 04-134, RM-10948

Dear Ms. Dortch:

Transmitted herewith, on behalf of Calvary Chapel of St. George, are an original and four (4) copies of its Reply Comments in response to the opposition filed by Bonneville International Corporation.

An extra copy of the filing is enclosed. Please date-stamp the extra copy and return it to the courier.

Should you have any questions, please contact the undersigned.

Respectfully submitted,

HOLLAND & KNIGHT LLP


David A. O'Connor

Counsel for Calvary Chapel of St. George

Enclosure

cc: Rolanda F. Smith, Audio Division

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ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
Amendment of Section 73.202(b),) MB Docket No. 04-134
Table of Allotments,) RM-10948
FM Broadcast Stations.)
(Toquerville, Utah))

RECEIVED

To: Secretary, FCC
Attn: Chief, Audio Division, Media Bureau

JUN 25 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY COMMENTS

Calvary Chapel of St. George ("CCSG"), by its counsel, hereby respectfully submits its Reply Comments to the opposition filed by Bonneville International Corporation ("Bonneville") in this proceeding.¹ Bonneville suggests that Channel 280C at Toquerville, Utah should not be reserved for noncommercial educational ("NCE") FM use because a reserved channel can be authorized to provide NCE FM service to the community of Toquerville. As explained below, however, Bonneville's argument is meritless and the Commission should adopt an Order in this proceeding reserving Channel 280C for NCE use at Toquerville, Utah.

As an initial matter, CCSG questions whether Bonneville has standing to oppose the proposed reservation. Bonneville has not indicated that it is a licensee of any broadcast station in or near Toquerville, or otherwise affirmed that it is a real party in interest in this proceeding.² Therefore, based on the holding of the United States Supreme Court in *FCC v. Sanders Bros. Radio Station*, 309 U.S. 470, 476 (1940), CCSG submits that Bonneville lacks standing to challenge the reservation showing.

¹ Comments of Bonneville International Corporation, MB Docket No. 04-134 (filed June 10, 2004) ("Opposition").

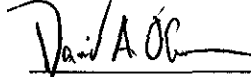
² Rather, Bonneville merely indicates in a footnote that it "is a diversified media company that operates a full service television station and a number of radio stations in several markets across the country."

In any event, Bonneville's arguments lack merit. As the attached Engineering Technical Statement makes clear, no currently reserved FM channel is available for use at Toquerville. Specifically, the Statement shows that, contrary to Bonneville's claim, a channel 201 facility at Bonneville would not be compliant with Section 73.525 of the Commission's rules because such a facility would cause interference to a proposed channel 6 TV facility. Therefore, CCSG has satisfied the second criterion for a reservation showing, namely that NCE service is technically impermissible from a currently reserved NCE channel. All other aspects of CCSG's petition are unchallenged.

For the reasons set forth above, CCSG urges the Bureau to deny Bonneville's Opposition and adopt an Order in this proceeding reserving channel 280C for NCE use at Toquerville, Utah.

Respectfully submitted,

CALVARY CHAPEL OF ST. GEORGE



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E-mail: david.oconnor@hklaw.com
Its Attorney

June 25, 2004

CERTIFICATE OF SERVICE

I, Laura Ledet, an employee of Holland & Knight LLP, hereby certify that on June 25, 2004, I caused a copy of the foregoing "Comments in Support of Proposed Rulemaking" to be sent, via first-class mail, to the following individuals:

J. Talmage Ball*
Vice President Broadcast Engineering
Bonneville Broadcasting Corporation
55 North 300 West
Salt Lake City, UT 84110

A handwritten signature in black ink, appearing to read "Laura Ledet", with a horizontal line extending from the end of the signature.

Laura Ledet

- * Bonneville's pleading does not provide an address or other contact information. Upon information and belief, the above-referenced address is the correct address for Bonneville.

2047344_v1

**ENGINEERING TECHNICAL STATEMENT PREPARED BY RYAN WILLOUR OF
THE FIRM KESSLER AND GEHMAN ASSOCIATES, INC.
TELECOMMUNICATIONS CONSULTING ENGINEERS IN SUPPORT OF A
REBUTTAL TO THE COMMENT FILED BY BONNEVILLE INTERNATIONAL
CORPORATION REGARDING A PETITION FOR RULEMAKING TO RESERVE
THE VACANT COMMERCIAL FM CHANNEL 280C TOQUERVILLE, UT¹
ALLOTMENT FOR NON COMMERCIAL EDUCATIONAL FM USE**

The firm Kessler and Gehman Associates, Inc. has been retained by Calvary Chapel of St. George (CCSG) to prepare engineering studies and a rebuttal to the comments filed by Bonneville International Corporation (BIC). BIC claims that a minimum “same-class” Non-Commercial Educational (NCE) FM facility is permissible on channel 201, and thus objects to the petition prepared by CCSG in FCC MB Docket 04-134, RM-10948.

Discussion

BIC has demonstrated two hypothetical circumstances of a channel 201 NCE facility which are compliant with section 73.509² and 73.507³; however, fails to demonstrate compliance with section 73.525⁴.

“Same Class” Hypothetical Minimal Class C Facility

Exhibit E1A demonstrates a section 73.525 interference study from BIC’s hypothetical minimal Class C facility to the TV Channel 6 petition for rulemaking filed by “TV 6 Kaleidoscope Foundation”, FCC File No.: BPRM-20000717ABW (hereinafter referred to

¹ FCC MB Docket No. 04-134, RM-10948

² Contour overlap requirements.

³ Spacing Requirements in 73.207

⁴ Television Channel 6 Protection

as “the TV channel 6 petition”). The proposed NCE-FM facility in Exhibit E1A replicates BIC’s channel 201 minimum same class facility which uses the Toquerville city center coordinates, an effective antenna height of 451 meters AGL, an ERP of 100 kW, and a directional antenna which is demonstrated in Exhibit E1B and E1C. The red contour emphasizes the section 73.525 predicted interference area. This area contains 78,363 people according to the 2000 Census and clearly exceeds the allowable population interference specification in section 73.525(c).

“Additional Showing” Hypothetical “less than Class C” Facility

Exhibit E2 demonstrates a section 73.525 interference study from BIC’s “Additional Showing” of a “less than Class C facility” to the TV Channel 6 petition facility. The proposed NCE-FM facility in Exhibit E2 replicates BIC’s channel 201 less than Class C facility which uses the Toquerville city center coordinates, an effective antenna height of (-143) meters AAT, an ERP of 50 kW, and a non-directional antenna. The red contour emphasized the section 73.525 predicted interference area. This area contains 71,042 people according to the 2000 Census database and clearly exceeds the allowable population interference specification in section 73.525(c).

Conclusion

It is herein demonstrated that the two facilities demonstrated in the rebuttal comments by BIC are not compliant with section 73.525 of the FCC rules with regard to a TV Channel 6 petition for rulemaking already on file with the commission. Thus, channel 201 is not a valid alternative reserved channel, and the petition for Toquerville, UT Channel 280 Class C allotment should be reserved for non-commercial use.

Certification

I, Ryan Wilhour, declare and state that I am a graduate electrical engineer with a Bachelor of Science in Electrical Engineering and my qualifications are a matter of record with the Federal Communication Commission, and that I am an engineer in the firm of Kessler and Gehman Associates, Inc., and that firm has been retained by Calvary Chapel of St. George to prepare the foregoing statement.

The foregoing statement and aforementioned engineering work are true and correct to the best of my knowledge. Executed on June 24, 2004.

KESSLER AND GEHMAN ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Ryan Wilhour", with a stylized flourish at the end.

Ryan Wilhour

Telecommunications Consulting Engineer

EDX SignalPro™: toquerville opposition scenario 1

FM to TV Channel 6 Int. Area

Notes

~~~~~ 2000 Census Population ~~~~~

Interference Predicted to Occur to  
FCC File BMRP-20000717ABW  
From Proposed Minimum Facility  
located at City Center Coordinates  
78,363 people

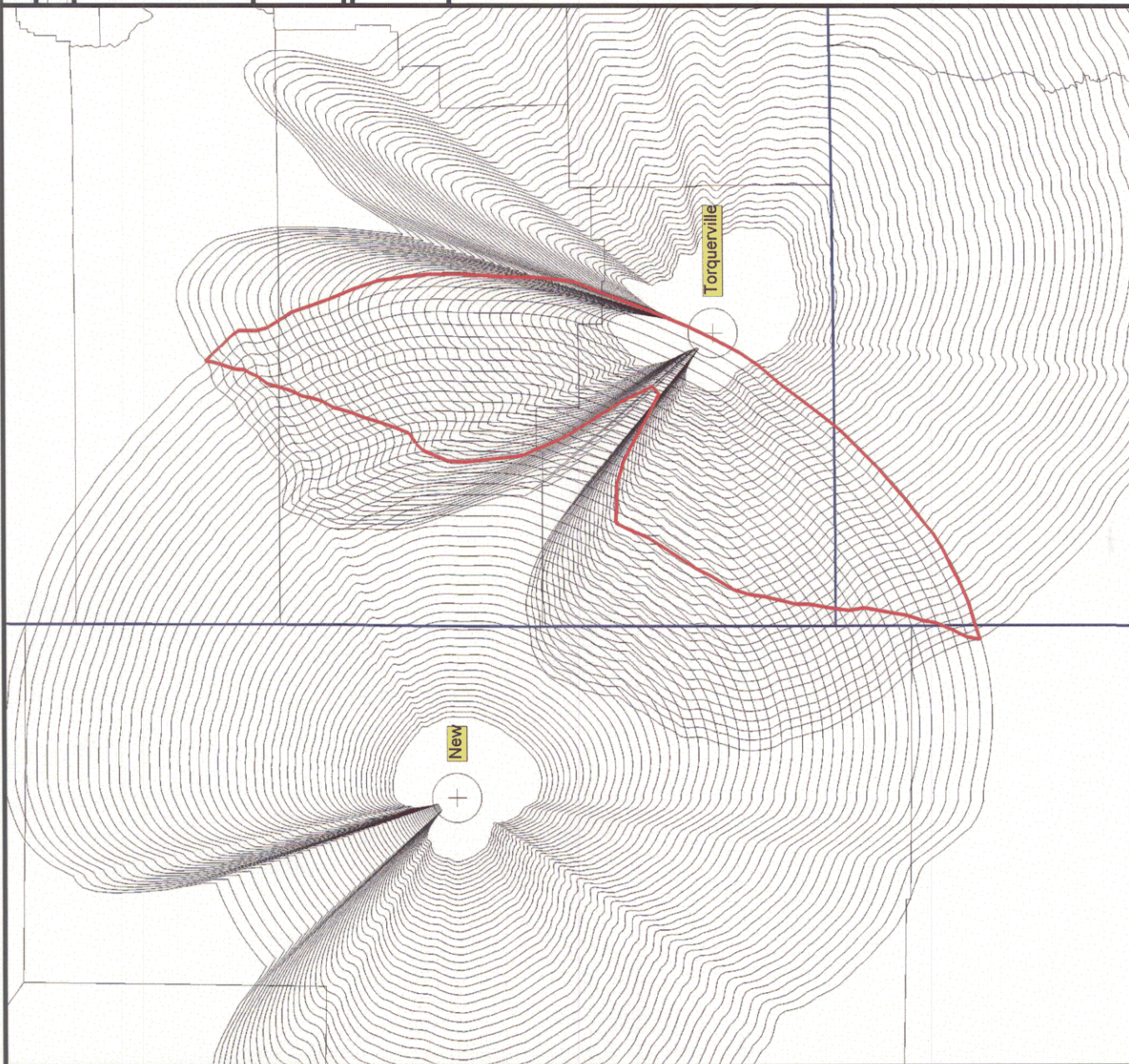


Toquerville, Utah

Channel 6 int from Channel 201 FM

Exhibit E1A

20040624





TOQUERVILLE, UTAH

TABULATION OF RELATIVE FIELD FOR PROPOSED DIRECTIONAL ANTENNA

| <u>AZIMUTH</u> | <u>RELATIVE FIELD</u> | <u>AZIMUTH</u> | <u>RELATIVE FIELD</u> |
|----------------|-----------------------|----------------|-----------------------|
| N000°E         | 1.000                 | N180°E         | 0.410                 |
| N005°E         | 1.000                 | N185°E         | 0.375                 |
| N010°E         | 1.000                 | N190°E         | 0.340                 |
| N015°E         | 1.000                 | N195°E         | 0.310                 |
| N020°E         | 1.000                 | N200°E         | 0.280                 |
| N025°E         | 1.000                 | N205°E         | 0.255                 |
| N030°E         | 1.000                 | N210°E         | 0.230                 |
| N035°E         | 1.000                 | N215°E         | 0.210                 |
| N040°E         | 1.000                 | N220°E         | 0.190                 |
| N045°E         | 1.000                 | N225°E         | 0.190                 |
| N050°E         | 1.000                 | N230°E         | 0.190                 |
| N055°E         | 1.000                 | N235°E         | 0.190                 |
| N060°E         | 1.000                 | N240°E         | 0.190                 |
| N065°E         | 1.000                 | N245°E         | 0.210                 |
| N070°E         | 1.000                 | N250°E         | 0.230                 |
| N075°E         | 1.000                 | N255°E         | 0.255                 |
| N080°E         | 1.000                 | N260°E         | 0.280                 |
| N085°E         | 1.000                 | N265°E         | 0.310                 |
| N090°E         | 1.000                 | N270°E         | 0.340                 |
| N095°E         | 1.000                 | N275°E         | 0.375                 |
| N100°E         | 1.000                 | N280°E         | 0.410                 |
| N105°E         | 1.000                 | N285°E         | 0.455                 |
| N110°E         | 1.000                 | N290°E         | 0.500                 |
| N115°E         | 0.985                 | N295°E         | 0.550                 |
| N120°E         | 0.970                 | N300°E         | 0.600                 |
| N125°E         | 0.935                 | N305°E         | 0.650                 |
| N130°E         | 0.900                 | N310°E         | 0.700                 |
| N135°E         | 0.850                 | N315°E         | 0.750                 |
| N140°E         | 0.800                 | N320°E         | 0.800                 |
| N145°E         | 0.750                 | N325°E         | 0.850                 |
| N150°E         | 0.700                 | N330°E         | 0.900                 |
| N155°E         | 0.650                 | N335°E         | 0.935                 |
| N160°E         | 0.600                 | N340°E         | 0.970                 |
| N165°E         | 0.550                 | N345°E         | 0.985                 |
| N170°E         | 0.500                 | N350°E         | 1.000                 |
| N175°E         | 0.455                 | N355°E         | 1.000                 |

**KESSLER & GEHMAN**

TELECOMMUNICATIONS CONSULTING ENGINEERS

507 N.W. 60th Street, Suite C

Gainesville, Florida 32607

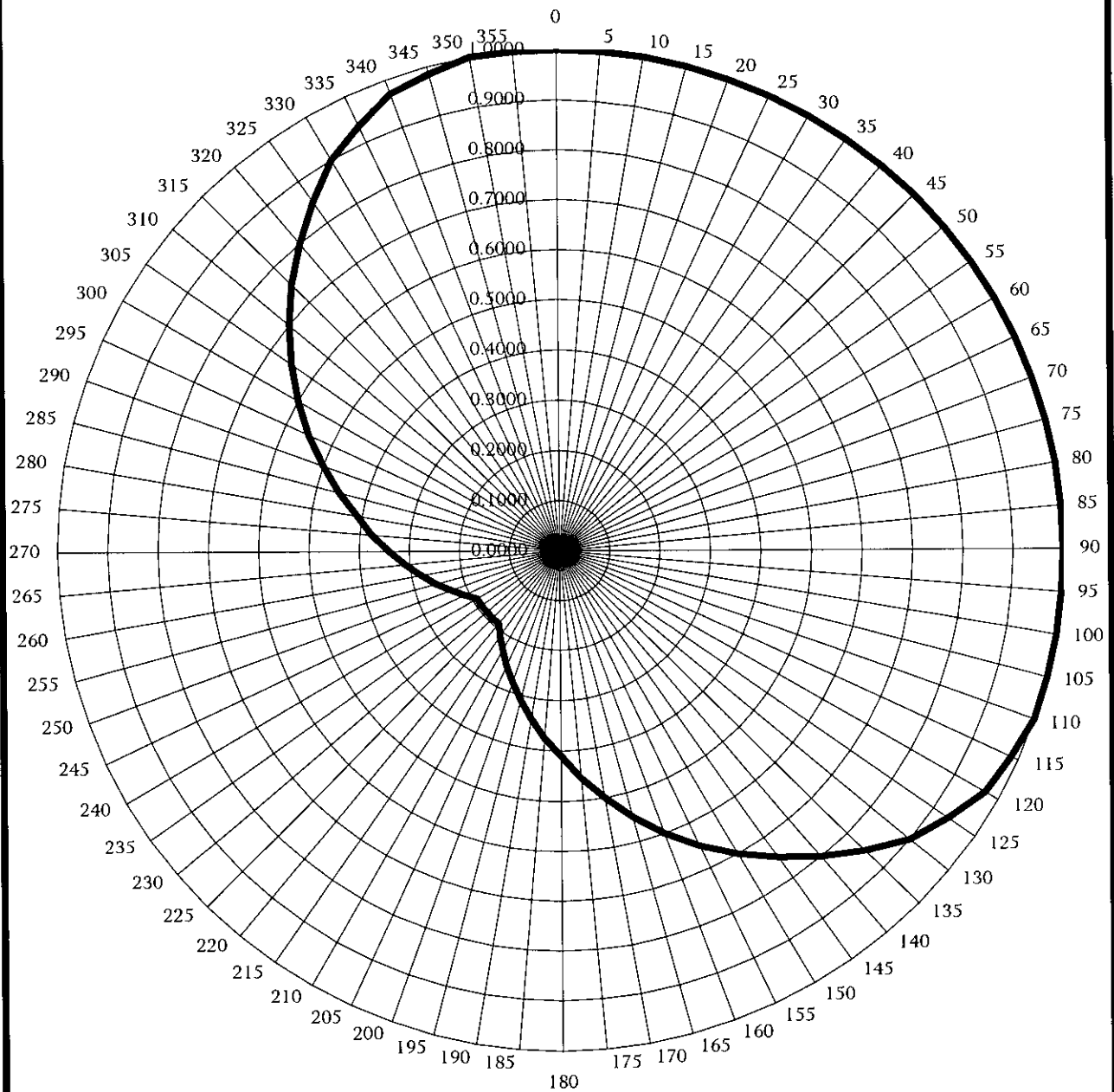
BIC'S THEORETICAL ANTENNA

TOQUERVILLE, UTAH

20040624

EXHIBIT E1B

# RELATIVE FIELD AZIMUTH PATTERN



**KESSLER & GEHMAN**  
 TELECOMMUNICATIONS CONSULTING ENGINEERS  
 507 N.W. 60th Street, Suite C  
 Gainesville, Florida 32607

BIC'S THEORETICAL ANTENNA

TOQUERVILLE, UTAH

20040624

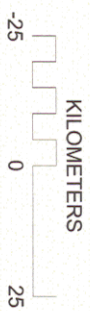
EXHIBIT E1C

EDX SignalPro™ : toquerville opposition scenario 2

FM to TV Channel 6 Int. Area

Notes

~~~~~ 2000 Census Population ~~~~~  
Interference Predicted to Occur to
FCC File BMR-20000717ABW
From Proposed Facility
located at City Center Coordinates
71,042 people



Toquerville, Utah

Channel 6 int from Channel 201 FM

Exhibit E2

20040624

